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FILED

NOVEMBER 28, 2007

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Sandra Y. Dick,
Senior Deputy Attorney General
Tel. (973) 648-4732

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF: : Administrative Action

EDWARD CAPRIOLA, M.D. :
LICENSE #MA024152 : CONSENT ORDER

This matter was re-opened before the New Jersey State Board of Medical Examiners (the "Board") upon the Board's receipt of a petition from respondent Edward A. Capriola, M.D., seeking reinstatement of licensure. By way of background, respondent surrendered his license to practice medicine in the State of New Jersey, to be deemed a revocation of such license, pursuant to a Consent Order filed on February 9, 2006, based upon his continued practice of medicine with knowledge that he possessed neither a license to practice nor malpractice insurance, then continued such practice following entry of an order in which he agreed to cease practice, and gave false testimony regarding such practice. Pursuant to the entry of the Order of revocation, respondent

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underwent psychiatric, psychological and substance abuse evaluations, followed all recommendations of the evaluators, successfully completed an ethics course and recordkeeping course, paid costs of the investigation of the matter, and engaged in psychotherapy and participation with the Professional Assistance Program. The Consent Order required that, in the event respondent were to petition the Board for reinstatement of licensure, he would appear before a Committee of the Board, demonstrate to the satisfaction of the Board his compliance with the Order and capacity to discharge the functions of a licensee in a manner consistent with the public's health, safety and welfare, and demonstrate that he was not suffering from any impairment or limitation which could affect his ability to practice medicine.

Respondent appeared before a Preliminary Evaluation Committee of the Board on April 25, 2007. He presented a position statement authored by Louis Baxter, M.D., Medical Director of the Professional Assistance Program, and then testified concerning his activities since surrendering his license. Specifically, Dr. Capriola testified that, since ceasing practice, he successfully completed the evaluations, courses, and other activities mentioned above. Additionally, he expressed remorse and took full responsibility for his prior unlicensed practice and misrepresentations to the Board. He asserted that he will no longer self-prescribe medications, and has made progress in therapy

on issues involving impulsiveness and ethical challenges, and how to deal with stressful situations. He agreed to continued monitoring by the PAP, psychotherapeutic care and reports to the Board to assure there will be no recurrence of prior behaviors.

Upon review of available information, the Board is satisfied that respondent has made all demonstrations of present fitness to practice required to be made by operation of the February 2006 Order. The Board concludes that cause exists at this time to enter an Order reinstating respondent's license, provided that respondent complies with all conditions and terms imposed upon him below. The Board being further satisfied that the within Order adequately protects the public health, safety and welfare, and that good cause exists for entry of the within Order.

IT IS ON THIS

18

DAY OF

NOV
OCTOBER, 2007

ORDERED:

1. The license of respondent Edward A. Capriola, M.D., to practice medicine in the State of New Jersey is hereby reinstated, contingent upon respondent's compliance with all terms and conditions set forth in this Order.

2. Respondent shall cease and desist further misrepresentations to the Board, and shall not hereafter practice medicine without complying with all statutory and regulatory requirements including a current license and current malpractice insurance.

3. Respondent shall undergo full session psychotherapy with ^{Benjamin} ~~Edward~~ Evans or any successor psychotherapist approved by the Board, for a minimum of one year from license reinstatement, no less than once a month with increased frequency at times of stress or symptomatic worsening at the discretion of the therapist. A copy of this Order and all evaluation reports shall be supplied to Mr. Evans upon entry of this Order. Respondent shall be responsible to ensure that quarterly reports of his progress in therapy are forwarded to the Board with immediate reports (within 24 hours of awareness) of any termination of therapy or any worsening of symptoms which either pose a danger to the public or raise an issue regarding respondent's ability to practice medicine.

4. Respondent shall undergo quarterly oversight with a psychiatrist for a minimum of one year from the date of license reinstatement regarding potential psychopharmacological management, with more frequent sessions at the discretion of the PAP and the psychiatrist should symptoms require medication intervention. A copy of this Order and all evaluation reports shall be supplied to the psychiatrist upon entry of this Order. Respondent shall be responsible to ensure that quarterly reports of his progress in therapy are forwarded to the Board with immediate reports (within 24 hours of awareness) of any termination of treatment or any worsening of symptoms which either pose a danger to the public or raise an issue regarding respondent's ability to

practice medicine.

5. Respondent shall maintain absolute abstinence from all psychoactive substances, unless any such substances are prescribed by a treating physician for a documented medical condition. Respondent shall not self-prescribe. In the event that any physician shall propose prescribing any controlled substances to respondent, respondent shall be required to inform said physician of his prior substance history, and shall be required to ensure that said physician provides express notification of his intention to prescribe for respondent to the Medical Director of the Professional Assistance Program, and then obtains express approval from the Medical Director of the Professional Assistance Program to engage in the proposed prescribing.

6. Respondent shall submit to random urine screens a minimum of once per week to be conducted by the Professional Assistance Program for the first six (6) months following the date of entry of this Order, with reductions thereafter at the discretion of the PAP.

7. Respondent shall continue to participate in the Professional Assistance Program, and shall comply with all recommendations and requirements of said program, to include participating in monthly face-to-face visits with the staff of the Professional Assistance Program. The Professional Assistance Program shall provide quarterly reports to the Board regarding

respondent's participation in the Program, and shall provide the Board with immediate notification in the event respondent fails to comply with any recommendations or requirements of the Program, fails to participate in psychotherapy, psychiatric oversight, in random urine monitoring, and/or in the event that respondent self-prescribes or otherwise engages in any use of psychoactive substances (other than as permitted in paragraph 5 above).

8. Respondent shall maintain an appointment log listing all patients and the reason for their visit, submit a copy of all such logs to the Medical Education Director of the Board, Dr. Mary Blanks, for the first 3 months of practice, on a monthly basis no later than the 7th day of the subsequent month, and shall submit the full chart of any patient requested by the Medical Education Director within 7 days of such request, and shall meet with Dr. Blanks upon request.

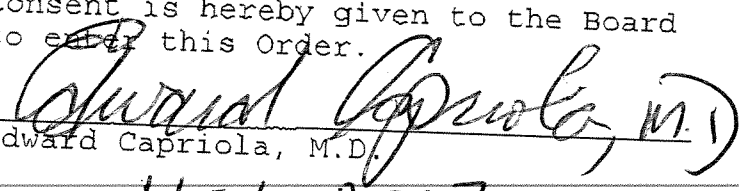
9. Respondent waives confidentiality regarding any reporting by the Professional Assistance Program, his psychotherapist or psychiatrist to the Board and their notification of any non-compliance with the recommendations or requirement of the mental health professionals or of the Program or of self-prescribing or substance abuse. Any such report or any other material failure by respondent to comply with any of the terms and requirements of this Order, shall provide cause, without more, for the entry of an immediate Order by the Board suspending respondent's license.

Respondent acknowledges and agrees that any such report or information received by the Board may be made public and utilized in any proceeding regarding licensure.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: _____
Mario Criscito, M.D.,
Board President

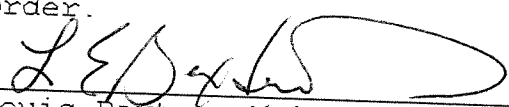
I have reviewed and considered the within Order, and agree to its terms. Consent is hereby given to the Board to enter this Order.



Edward Capriola, M.D.

Date: 11-1-2007

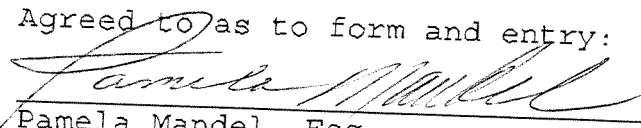
Agreement is made, on behalf of the Professional Assistance Program, to participate in the continued monitoring of Edward Capriola, M.D., and to comply with all terms and conditions placed on the Program by operation of this Consent Order.



Louis Baxter, M.D.
Medical Direction,
Professional Assistance Program

Date: 11/8/07

Agreed to as to form and entry:



Pamela Mandel, Esq.
Attorney for Edward Capriola, M.D.

11/5/07

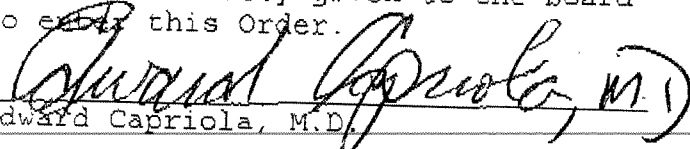
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NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: 

Mario Criscito, M.D.,
Board President

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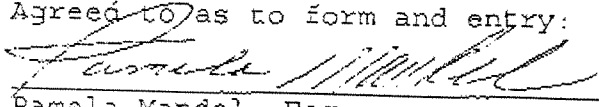
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Medical Direction,
Professional Assistance Program

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Pamela Mandel, Esq.

Attorney for Edward Capriola, M.D.